

Decision\_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the County of Ventura Public Works Agency for an Order authorizing construction to widen the existing separated grade crossing of Route 34 (Lewis Road) by constructing a separate bridge structure over the tracks of the Union Pacific Railroad Corporation in the City of Camarillo and County of Ventura, referred to as the SOMIS-LEWIS ROAD OVERHEAD.

Application 03-02-014  
(Filed February 6, 2003)

**O P I N I O N**

**Summary**

The County of Ventura Public Works Agency (County) requests authority to widen the existing grade-separated highway-rail crossing of Route 34 by constructing an additional grade-separated bridge structure over the tracks of the Union Pacific Railroad Company (UPRR) in the City of Camarillo and County of Ventura. The request is granted.

**Discussion**

County, in cooperation with the California Department of Transportation (Caltrans) is proposing the construction of Lewis Road Widening Project, which includes segments between Hueneme Road/Calleguas Creek Bridge on the south and Ventura Boulevard on the north in order to accommodate regional growth. The project is divided into two principal segments. The Caltrans segment is the northernmost portion of Lewis Road that is designated as State Route 34 (SR-34) and extends from

Ventura Boulevard to Pleasant Valley Road. The County Segment extends from south of Pleasant Valley Road to Hueneme Road Bridge within unincorporated Ventura County and is not designated as part of SR-34.

County and Caltrans propose to construct a widening of a grade-separated structure, commonly referred to as the “Somis-Lewis Road overhead” (CPUC Crossing No. 001E-416.40-A), which was authorized by Decision (D.) 81029, dated February 6, 1973 and completed in December 19, 1973.

UPRR owns the right-of-way within the project limits. UPRR operates freight trains and the National Railroad Passenger Corporation (Amtrak) operates passenger trains over these tracks. Amtrak also operates the Metrolink trains for Southern California Regional Rail Authority (SCRRA). SCRRA is a five-county joint powers authority created by Senate Bill 1402 of 1990, under Public Utilities Code Section 130255 pursuant to Government Code Section 6501 et al., to build and operate the Metrolink commuter rail system. Ventura County Transportation Commission is one of the five SCRRA member agencies.

The proposed widening is needed to provide improved traffic circulation to the new university campus at California State University at Channel Islands (CSUCI) that will be created adjacent to Lewis Road. Traffic generated by the university development, in combination with the build-out of the surrounding area is projected to increase. The proposed widening will improve the transportation network by alleviating current and projected traffic congestion and accommodating projected traffic demand of pedestrians, bicyclists, and vehicles by greatly increasing the roadway capacity on local streets accessing the CSUCI campus.

The proposed widening of the Somis-Lewis Road overhead will retain the existing overhead structure and build a new, parallel structure on the eastern side of the existing overhead. The proposed structure width is 13.44 meters with two 3.6-meter traffic lanes, a 1.5-meter left shoulder, a 2.4-meter wide right shoulder and 1.5-meter wide sidewalk on the east side.

The County is the lead agency for this project under National Environmental Policy Act of 1969 (NEPA) and the California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources Code Section 21000 et seq. The County in conjunction with Caltrans prepared the project's Final Environmental Impact Report/Environmental Assessment (FEIR/EA). In order to satisfy the CEQA requirements, on March 26, 2002, the County filed its Notice of Determination with the Board of Supervisors of Ventura County, and also approved the FEIR/EA stating that the project will have a significant effect on the environment, a copy of which is included in Appendix A. Accordingly, the County adopted mitigation measures as a condition of approval of the project, and a Statement of Overriding Considerations for the project.

On February 11, 2002, the Federal Highway Administration (FHWA) also approved the project. However, based on Federal criteria, the FHWA adopted a Finding of No Significant Impact (FONSI) for the project; a copy is included in Appendix B.<sup>1</sup>

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is

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<sup>1</sup> The FHWA and County conclusions regarding significant impacts differed because per local criteria, the project would result in one significant and unavoidable impact due to farmland loss under the Ventura County policies implementing CEQA.

subject to its discretionary approval. The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096. The Commission has reviewed and considered the lead agency's environmental documents and finds them adequate for our decision-making purposes.

Safety and security, transportation and noise are within the scope of the Commission's permitting process. The FONSI did not identify environmental impacts related to safety, security, transportation, and noise. Within these areas, the FEIR/EA identified potential construction noise impacts, which will be mitigated to less-than-significant levels by sound walls, rubberized asphalt and/or noise insulation, and limiting construction hours. Other potential impacts for which mitigation measures were adopted involve air quality, cultural resources, drainage/hydrology, geology/soils, hazardous materials, land use and construction.

The FEIR/EA found the project would result in one significant and unavoidable impact related to agriculture and the loss of farmland under Ventura policies. In adopting a Statement of Overriding Considerations, County determined that certain project benefits outweighed the significant and unavoidable impacts and warrant project approval. In particular, the Statement of Overriding Considerations noted the Lewis Road widening would mitigate anticipated future inadequate roadway and intersection Levels of Service resulting from the development of CSUCI, and improve road safety featuring a safer traffic environment and alignment by eliminating two curves. For these reasons, the project was determined necessary to accommodate traffic growth.

We believe that for potential environmental impacts for which mitigations were adopted, the County adopted reasonable mitigations to either

avoid or substantially reduce those impacts to less-than-significant levels. Therefore, we adopt those mitigations for purposes of our approval. In addition, we believe the County identified project benefits to justify the project which outweigh the significant and unavoidable impact. We also adopt the finding of the Statement of Overriding Considerations.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section staff (RCES) inspected the site of the proposed Somis-Lewis Road overhead widening project. After reviewing the need for and the safety of the proposed project, RCES recommends that the County's request be granted.

The application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway-rail crossings and separations. A site vicinity map of the proposed Somis-Lewis Road overhead widening is shown in the application and in Appendix C attached to this order.

In Resolution ALJ 176-3108, dated February 27, 2003, the Commission preliminarily categorized this application as ratesetting, and determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains accurate. Given these developments a public hearing is not necessary, and it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3108.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

**Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on February 18, 2003. There are no unresolved matters or protests; a public hearing is not necessary.

2. The County requests authority, under Public Utilities Code Sections 1201-1205, to widen the Somis-Lewis Road overhead by constructing a new, parallel structure over UPRR main line and spur lines in the City of Camarillo and County of Ventura, CPUC Crossing No. 001E-416.40-A.

3. Public convenience, safety and necessity require widening the Somis-Lewis Road overhead.

4. The County is the lead agency for this project under NEPA and CEQA, as amended.

5. On February 11, 2002, the FHWA approved the project and adopted a FONSI for the project.

6. The County in conjunction with Caltrans prepared the project's FEIR/EA, which was certified on March 26, 2002.

7. On March 26, 2002, County filed its Notice of Determination approving the project and found that the Lewis Road Widening project would have a significant effect on the environment. Mitigation measures were adopted as a condition of project approval. A Statement of Overriding Considerations was adopted for this project.

8. The Commission is a responsible agency for this project and has reviewed and considered the environmental documents filed by the County, Caltrans and FHWA.

9. County's environmental documents are adequate for our decision-making purposes.

### **Conclusions of Law**

1. There are no unresolved matters or protests; a public hearing is not necessary.

2. The Commission finds that for the environmental impacts for which mitigations were adopted, the County adopted reasonable mitigations to avoid or substantially reduce the impacts to less-than-significant levels. We adopt those mitigation measures for purposes of our approval.

3. The Commission finds that for the environmental impacts determined to be significant and unavoidable, County reasonably concluded there are sufficient benefits to warrant project approval. We adopt the County's Statement of Overriding Considerations for purposes of our approval.

4. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The County of Ventura Public Works Agency (County) is authorized to widen the existing grade-separated highway-rail crossing of Route 34 by constructing a new, parallel grade-separated bridge structure (CPUC Crossing No. 001E-416.40-A) over the tracks of the Union Pacific Railroad Company's (UPRR) Coast Main line and spur lines in the City of Camarillo and County of Ventura at the location and substantially as shown by plans attached to the application and Appendix C of this order.

2. Clearances shall conform to General Order (GO) 26-D.

3. Walkways shall conform to GO 118.

4. Construction and maintenance costs shall be borne in accordance with an agreement between the County and UPRR (parties). A copy of the agreement shall be filed with to the Commission's Rail Crossings Engineering Section staff (RCES) prior to starting construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, UPRR shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

6. This authorization shall expire if not exercised within three years, unless time is extended, or if the above conditions are not complied with. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

8. Application 03-02-014 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.



## APPENDIX A CERTIFIED FEIR/EA

### RESOLUTION NO. 222 A RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS REGARDING GENERAL PLAN AMENDMENT (GPA) NUMBER 02-1 AND ROUTE SELECTION AND PROJECT APPROVAL FOR THE LEWIS ROAD WIDENING PROJECT

WHEREAS, a legally noticed public hearing on this matter was held by the Board of Supervisors of Ventura County on March 26, 2002; and

WHEREAS, the Board of Supervisors reviewed and considered all written and oral testimony on this matter including County staff reports and recommendations; and

NOW, THEREFORE BE IT RESOLVED, ORDERED, AND DETERMINED THAT this Board:

- A. CERTIFIES that the Final EIR (FEIR) for the Lewis Road Widening Project and GPA 02-1 has been completed in compliance with the California Environment Quality Act (CEQA) and the State and County Guidelines issued there under; found that the Board of Supervisors has reviewed and considered the information contained in the FEIR; and
- B. Selects Alternative 3 route alignment and approves the road widening project;
- C. FINDS that based on the FEIR, the approved project will include:
  - (1) All feasible mitigation measures as indicated in the FEIR, and
  - (2) All feasible mitigation and monitoring programs as indicated in the Exhibits "2a" and "6" of the Board Letter dated March 26, 2002.
- D. FINDS that approval of the project and GPA, thereby causing significant adverse impacts is nonetheless acceptable based on the overriding considerations; and
- E. FINDS that the proposed General Plan Amendment is consistent with the intent and provisions of the County's General Plan. Therefore the proposed General Plan Amendment is in the interest of public health, safety, or general welfare, and good land use practices justify the changes.

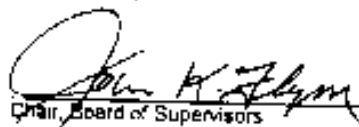
FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that this Board hereby adopts CEQA findings and statements of facts and adopts a statement of overriding consideration as indicated in the "CEQA FINDINGS" Section, subsections "A", "B" and "C" of the Planning Commission Staff Report dated March 7, 2002, (i.e., Board Letter, March 26, 2002, Exhibit "1"), and

FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that this Board hereby approves and adopts General Plan Amendment number GPA 02-1 Alternative 3, as shown on Exhibits "6" and "7" to the Board Letter dated March 26, 2002, and

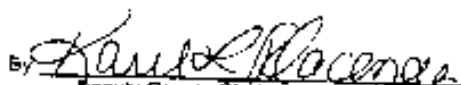
FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that this Board specifies that the Secretary to the Planning Commission, and the Clerk of the Board are the custodians of the documents pertaining to Lewis Road Widening Project and General Plan Amendment number GPA 02-1 and that the location of those documents shall be in the Planning Division's files and the Clerk of the Board's Res at 800 South Victoria Avenue, Ventura, CA 93009; and

FINALLY, BE IT RESOLVED, ORDERED AND DETERMINED that General Plan Amendment number GPA 02-1, shall become effective and operative on April 26, 2002.

Upon motion of Supervisor Long, seconded by Supervisor Bennett, duly carried, the foregoing Resolution was passed and adopted on this 26th day of March, 2002.

  
Chair, Board of Supervisors

ATTEST:  
RICHARD D. DEAN, County Clerk  
of Ventura County, State of  
California, and Ex-Officio Clerk of  
the Board of Supervisors thereof

By   
Deputy County Clerk



APPENDIX A  
NOTICE OF DETERMINATION

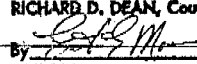
RESOURCE MANAGEMENT AGENCY

**county of ventura**

FILED

DATE: MAR 26 2002  
RICHARD D. DEAN, County Clerk

Planning Division

Christopher Stephens  
DirectorBy:  Deputy

## NOTICE OF DETERMINATION

**SUBJECT:** Filing of Notice of Determination in Compliance with Sections 21108 or 21152 of the Public Resources Code

**PROJECT TITLE:** Lewis Road Widening Project and General Plan Amendment (GPA) #02-1

**STATE CLEARINGHOUSE NUMBER:** 2000041146

**CONTACT PERSONS:** Chris Hooke, Principal Engineer, at (805) 654-2048 and Joseph Eisenhut, Senior Planner, at (805) 654-2464

**PROJECT LOCATION:** Lewis Road between Pleasant Valley Road and the Hueneme Road Bridge, Unincorporated portion of Ventura County, California

**PROJECT DESCRIPTION:** Widen and realign Lewis Road with General Plan Amendment (GPA 02-1) to two Public Facilities/Road Network maps in order to accommodate expected increase in traffic resulting from establishment of California State University/Channel Islands (site of old Camarillo State Hospital)

This is to advise that on March 26, 2002, the Board of Supervisors of Ventura County approved the above described project and has made the following determinations regarding the above described project:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. Findings were made pursuant to Section 15091 of the State CEQA Guidelines.
5. A Statement of Overriding Considerations was adopted for this project.

The EIR and record of project approval may be examined at the Planning Division of the Resource Management Agency, County of Ventura, 800 South Victoria Avenue, Ventura, CA 93009.

Prepared by: Joseph Eisenhut

Approved by:

  
Bruce Smith, Manager  
General Plan Section

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c: County Clerk, County of Ventura, California

800 South Victoria Avenue, L# 1750, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509

Printed on Recycled Paper

POSTED

03/26/02 - 1/1  
RICHARD D. DEAN, County ClerkBy: \_\_\_\_\_  
Deputy

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## APPENDIX A

### STATEMENT OF OVERRIDING CONSIDERATIONS

Meeting of March 7, 2002  
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7. Impacts Regarding Hazardous Materials:
  - (a) Removal of existing painted striping (containing lead and chromium) shall be done in compliance with Caltrans standards [Finding A.1.(a)].
  - (b) Soils containing pesticide concentrations above acceptable hazardous thresholds will be removed and disposed in Class 1 disposal facilities [Finding A.1.(a)].
  - (c) In order to deal with unanticipated abandoned oil wells and pipe lines, a subsurface testing and/or contingency planning program will be implemented to manage the unanticipated discovery of petroleum hydrocarbon contamination [Finding A.1.(a)].
8. Impacts on Land Use:
  - (a) Impacts that will be mitigated with regard to land use are addressed in Sections B.1.(a) and (b) above, (Agriculture); B.2.(a) and (c), (Air Quality); B.1.(a), (Aesthetics); B.9.(a) below, (Air Quality); and B.10.(a), (Traffic / Circulation) [Finding A.1.(a)].
9. Noise Impacts:
  - (a) Temporary construction noise will be mitigated by muffling engines during construction operation, use of electrical power when available and limitation of construction period to weekdays between 8:00 a.m. - 5:00 p.m. [Finding A.1.(a)].
  - (b) Traffic noise increase impacts upon the homes next to Lewis Road will be mitigated by sound walls, rubberized asphalt and/or noise insulation. Funds for mitigation will be provided via CSUCI Transportation Mitigation Fees and/or by CSUCI Site Authority contributions [Finding A.1.(a) and (b)].
11. Impacts Related to Construction:
  - (a) The impacts related to construction activities are addressed in the appropriate sections above. To wit: Air Quality, B.2.(a); Drainage and Hydrology, B.5.(a); Hazards, B.7.(a) and (b); and Noise, B.9.(a) [Finding A.1.(a)].
- C. Proposed Findings Regarding Overriding Considerations: Notwithstanding the above mitigation measures, the Final EIR concluded that the impacts on agricultural resources cannot be reduced to a less than significant level. As indicated above, between 25.3 and 36.8 acres of "Prime" and/or "Statewide Importance" agricultural land would be lost depending on the route alternative that is selected. Additional, temporary loss of such land would be between 2.5 to 4.3 acres.

The following proposed findings of overriding benefits of the proposed project are offered by staff:

- The Lewis Road Widening Project is designed to mitigate the existing road's anticipated future inadequate roadway and intersection Levels of Service resulting from the development of CSUCI.

## APPENDIX A

### STATEMENT OF OVERRIDING CONSIDERATIONS

Staff Report and Recommendations  
Meeting of March 7, 2002  
Page 6 of 8

- By constructing a four lane road with new safety features such as a median and bike lanes, the new road will provide a safer traffic environment.
- The project will also provide a safer alignment by eliminating two curves on the existing road in order to handle expected higher vehicular speeds.
- The project will also provide for cleaner stormwater runoff into Calleguas Creek.
- Additionally, Alternative 3 allows the potential for the development of a flood detention basin by others, which could reduce flooding of downstream agricultural land. (Alternatives 1 and 2 preclude the development of the flood detention basin.)

Based on the ERRC recommendation to the Board of Supervisors, staff recommends that your Planning Commission recommend that the Board of Supervisors certify the subject EIR with a statement of overriding consideration regarding the loss of agricultural land.

#### **STAFF RECOMMENDED ROUTE ALTERNATIVE AND GPA AMENDMENT:**

##### **ROUTE ALTERNATIVE:**

The Ventura County Public Works Agency as well as various other State and local agencies recommend that the Alternative 3 alignment be selected (Exhibit "6").

As indicated above, Alternative 3 consists of constructing a portion of Lewis Road along the west side of Calleguas Creek.

The reasons that Alternative 3 is recommended are as follows:

Enhanced Traffic Safety and Circulation: The alignment on the west side of Calleguas Creek eliminates the "S" curves of the existing bridge over Calleguas Creek near the existing university entrance, and avoids re-crossing the creek near Potrero Road. The "Tee" intersection of Lewis Road / Potrero Road on the existing bridge near Hueneme Road will have much-reduced usage. A new 4-way intersection will be constructed where Potrero Road and Laguna Road currently intersect Lewis Road. Also, the southerly connection of Lewis Road to Hueneme Road will be a smooth, 60-mph curve.

Right-of-Way at Round Mountain: The alignment of Alternative 3 avoids the need to take the right-of-way along the base of Round Mountain, which is a Native American archaeological site.

Minimized Impact to the Creek Bed: Alternative 3 avoids the skewed bridge alignment of the old Lewis Road; instead a new bridge will be constructed perpendicular to the creek, minimizing the footprint in the creek.

Flood Detention Basin: An incidental benefit, although still in planning stages, may be the allowance of the creation of a flood peak overflow basin on the east side of Calleguas Creek, between the existing Lewis Road and CSUCI. The California State Coastal Conservancy is proposing to purchase farmland at that location to serve as flood overflow, thus preventing widespread flooding of farmland downstream. If Lewis Road is aligned on the east side of Calleguas Creek (Alternatives 1 and 2), then the flood prevention system option would be lost.

APPENDIX B  
FINDING OF NO SIGNIFICANT IMPACT

FEDERAL HIGHWAY ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT  
FOR  
LEWIS ROAD WIDENING PROJECT

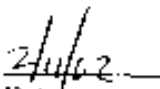
The County of Ventura Public Works Agency, and the California Department of Transportation- Caltrans District 07 proposes the widening of an approximately 5.75-km (3.57-mile) segment of Lewis Road between the Hueneme Road/ Calleguas Creek Bridge on the south and Ventura Boulevard on the north in order to accommodate regional growth. The project is divided into two principal segments. The Caltrans Segment is the northernmost portion of Lewis Road that is designated as State Route 34 and extends from Ventura Boulevard to Pleasant Valley Road. The Ventura County Segment extends from south of Pleasant Valley Road to the Hueneme Road Bridge within unincorporated Ventura County and is not designated as part of State Route 34.

Within the Caltrans Segment, two alignment alternatives are considered. Due to the potential of the existing Union Pacific Railroad (UPRR) Overhead to be impacted by a fault within the project corridor, three bridge variations for the treatment of this overhead are considered for both Caltrans Alternatives (Figures 2.1 to 2.4). Within the Ventura County segment, three alignment alternatives were considered.

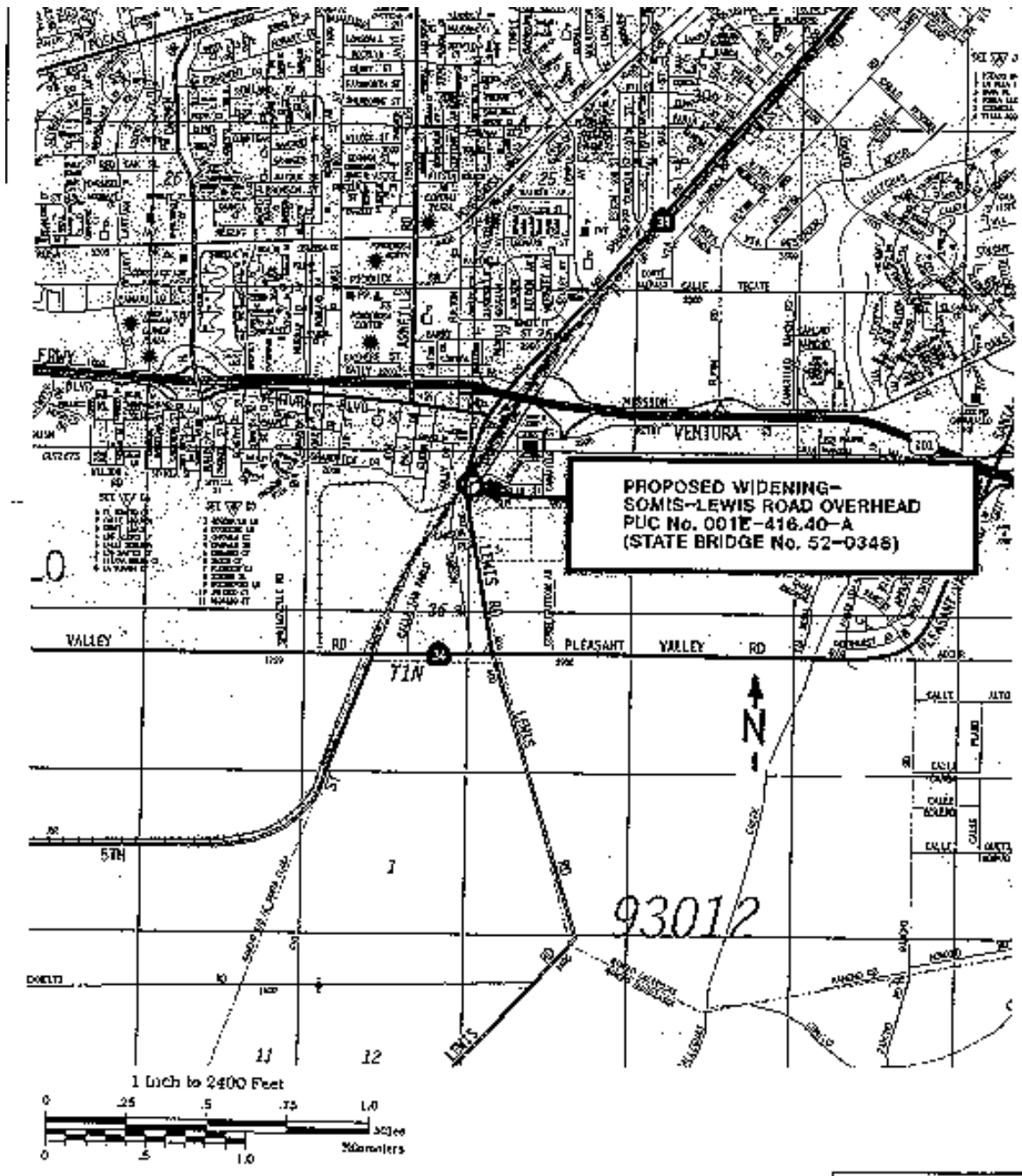
The FHWA has determined that this project will not have any significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment (EA) and incorporated technical reports, which have been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues and impacts of the proposed project and appropriate measures to minimize harm. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Report (EIR) is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA and technical reports.

Approved:

  
Cesar Perez  
Senior Transportation Engineer

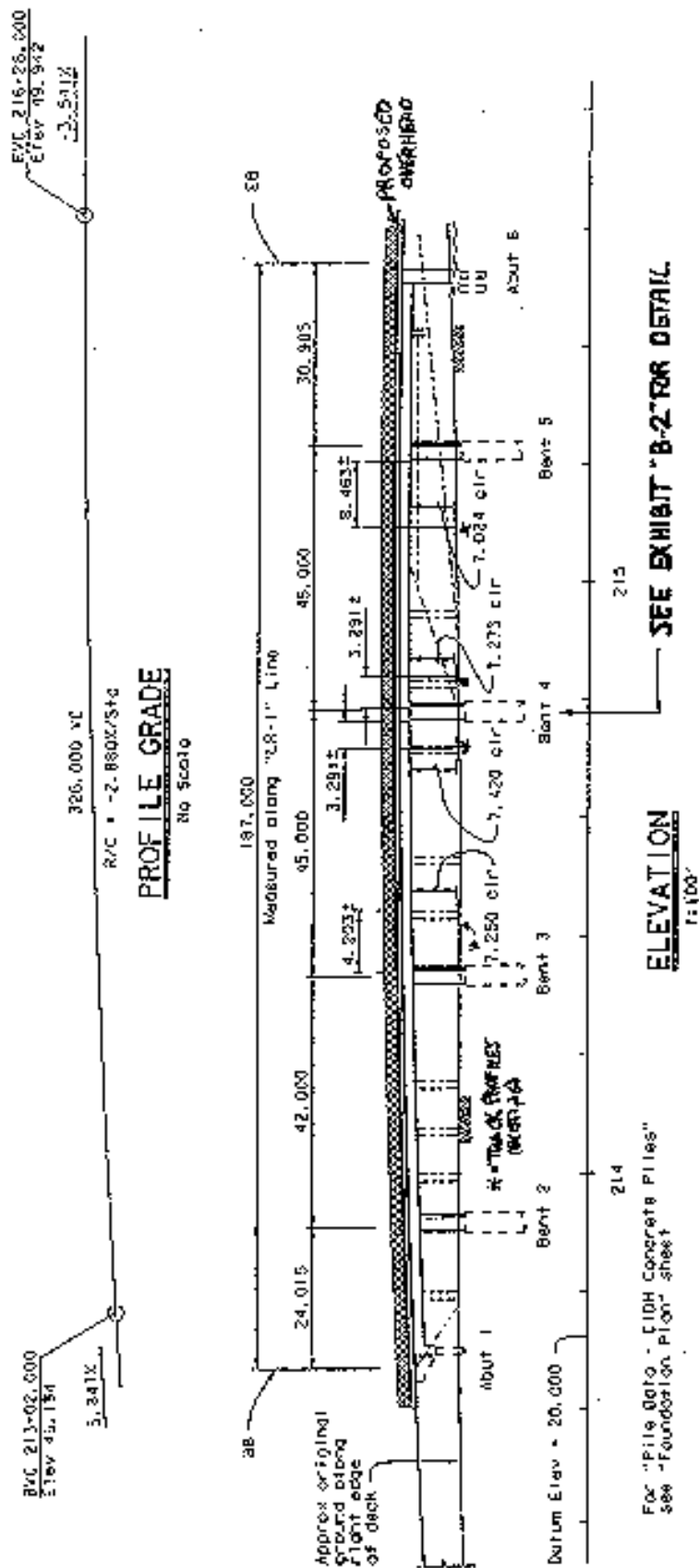
  
Date

APPENDIX C  
VICINITY MAP AND PLANS



# APPENDIX C

## VICINITY MAP AND PLANS



## APPENDIX C

### VICINITY MAP AND PLANS

